IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 17741 of 1994

Between:

1 Sanapala Raja Gopala Rao s/o. Raja Rao
Sanathalavanipeta, Chintala Post, Amadalvalas Mandal, Srikakulam District, Regd.No.1312.
2 Metta Prasada Rao, R/o. Basivadda Venkampet, Amudalavalasa Mandal. Srikakulam District, Regd.No.2250
3 Tammineni Janaddhana Rao S/o. Vasudevulu Naidu
R/o. Kavali, Kavali Post, Santhakavati Mandal Srikakulam District, Regd.No.2018
4 Tammineni Hymavathi D/o. Satyanarayana
R/o. IInd Police Station, Srikakulam District, Regd.No.2350
5 Rudabhatla Visalakshi D/o. Venkata Bhaskara Rao
R/o. Kothaveedhi, Pathapatnam Srikakulam District, Regd.No. 1972
6 Mula Prakasa Rao S/o Laxminarayana
R/o. Raga gopalapuram, Palasa, Srikakulam District, Regd.No. 994
7 Menda Prabhavathamma S/o. Krishna Murthy
R/o Bhadri, Via, Buditi, Srikakulam District, Regd.No. 1472
8 Bendi Appalanaidu S/o. Krishna Murthy
R/o. Gattumudipeta, Via., Vanjangi, Srikakulam District,

Regd.No. 1720
9 Tammineni Surya Rao S/o. Akkulu
R/o. Sanathalavanipeta, Chintada Post, Srikakulam District, Regd.No.1136
10 Gurugubelli Sundara Rao S/o. Sanyasi
R/o. Munnayyapeta, Chintada Mandal, Srikakulam District, Regd.No. 2385
11 Kadamba Chandra Rao
R/o. Boddapadu Village, Burju Mandal, Srikakulam District, Regd.No. 2472
12 K. Raja Rao
R/o. Boddapadu Village, Burju Mandal, Srikakulam District, Regd.No. 2381
13 Tammineni Surya Rao S/o. Ramulu
R/o. Sanathalavanipeta, Chintada Post, Srikakulam District, Regd.No.767
14 Gunda Laxmana Raoi
R/o. Chinta Srikakulam District, Regd.No. 1133
15 Annepu Surya Rao S/o. Pentaiah
R/o. Vakalavalasa, Srikakulam District, Regd.No. 2422

16 Sanapala Rama Mohana Rao S/o. Sata Rao
R/o. Cheemalavalasa Srikakulam District, Regd.No. 1697
17 Nayanaparthruni Satyam S/o. Neelaiah
R/o. Vadlakota, Amadalavalasa Mandal, Srikakulam District, Regd.No. 1213
18 Tammineni Narasinga Rao S/o. Suryanarayana
R/o. Korlakota, Amadalavalasa Mandal, Srikakulam District, Regd.No. 1089
19 Boddepalli Bhaskara Rao S/o. Venkatappadu
R/o. Bobbilipeta, Srikakulam District, Regd.No. 115
20 Narava Laxmana Rao S/o. Satyam
R/o. Wailtar, Srikakulam District, Regd.No. 1511, Ponduru Post.
21 Annepu Raja Rao S/o. Atchanna
R/o. Isakalipeta, Thogram Post, Srikakulam District, Regd.No. 2395
22 Gaddevalas Appalanaidu S/o Appalasuri
R/o. G.N. Puram Waltair Post, Via. Ponduru, Srikakulam District, Regd.No. 1730
23 Gurugubelli Sanyasi Rao S/o. Appa Rao
R/o. Waltair Post, Via. Pondur, Srikakulam District, Regd.No. 1737
24 B. Prasada Rao S/o. Krishna Murthy
R/o. Vakkulapeta Village, Amadalavalasa Mandal, Srikakulam District, Regd.No. 1754

..... PETITIONERS

AND

1 The Govt. of A.P. rep. by its Secretary, Panchayat Raj Department, Secretariat, Hyderabad.
2 The Govt. of A.P. rep. by its Secretary, Education Dept, Secretariat, Hyderabad.
3 The District Collector, Srikakulam District, Srikakulam.
4 The District Development Officer, A.P. Srikakulam.
5 The District Educational Officer, Srikakulam District, Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the G.O.Ms.No. 221 Educational Department dt. 16-7-1994 as unconstitutional and illegal and further direct the respondents to appoint the petitioners as Teachers in the existing vacancies in the A.P. State Controlled Bodies along with the petitioners covered by the order of this Hon'ble Court by Sri Justice S.R. Nayak in W.P.M.P.No. 17958 of 1994 in W.P.Nos. 17104/94 etc., batch dated: 8-9-1994 after declaring the Art.323-A Cl.2(d) of the Constitution and Section 28 of Administrative Tribunal Act, 1985 as unconstitutional for violative the basic structure and pass further order or orders.

Counsel for the Petitioners: MR.D.SURESH KUMAR

Counsel for the Respondents : GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

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O R D E R :-

It is represented by the learned counsel for the petitioners as well as the learned Government Pleader for Panchayat Raj that this Writ Petition is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioners is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioners to approach the Andhra Pradesh Administrative Tribunal and seek redress of their grievance, if the petitioners are so advised and so chosen. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Secretary, Govt. of A.P., Panchayat Raj Department, Secretariat, Hyderabad.
2 The Secretary, Govt. of A.P., Education Dept, Secretariat, Hyderabad.
3 The District Collector, Srikakulam District, Srikakulam.
4 The District Development Officer, A.P. Srikakulam.
5 The District Educational Officer, Srikakulam District, Srikakulam.

6 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court

Buildings, Hyderabad (OUT).

7 2 CD copies